

# Application for Use of State-owned Aquatic Lands

**Applicant Name:** 

Nooksack Indian Tribe

County:

Whatcom County

Water Body:

South Fork Nooksack River

Type of Authorization - Use: Right of Entry - Habitat Enhancement

**Authorization Number:** 

Pending

Term:

Five (5) years

Description:

This agreement will allow the use of state-owned aquatic lands for the sole purpose of installing engineered log jams for salmonid habitat enhancement. It is located in the South Fork Nooksack River, in Whatcom County, Washington.

This project is referred to as the Sygitowicz Reach

Project.

Date of Public Notice: June 24, 2010



# APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

### I. SUBMISSION OF APPLICATION

This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

### APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Department of Natural Resources Northwest Region 919 N Township St Sedro-Woolley, WA 98284-9333

Enclose a \$25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

# Date of Application: June 8, 2010 Authorization to be Issued To (how name is to appear in the lease document): Nooksack Indian Tribe Applicant's Representative: Victor Insera Relationship to Applicant: Employee (Watershed Restoration Coordinator) Address: P.O. Box 157 City: Deming State: WA Zip Code: 98244 Telephone: (360) 592-5176 Fax: (360) 592-5753 E-Mail: vinsera@nooksack-nsn.gov

warred - tribal gar't FOR OFFICIAL USE ONLY Support staff: Application Fee Received LARPA Received Date: 6/17/10 Land Manager: New Application Renewal Application Land Manager: Type: (20, 21, 22, 23)31, 51) Land Manager Initials 
NaturE Use Code 
Z124 Land Records: New Application Number\_ ; AQR Plate No. ; Trust ; County\_

II. APPLICANT INFORMATION	cont'			
Department of Revenue Tax *Registration		equired: 91-1487296		
Which of the following applies to Applican	nt (Check One and Attach written author	ity to sign - bylaws, power of		
attorney, etc):  Corporation  State of Registration:	Limited Partnership  State of Registration:	General Partnership State of Registration:	Partnership	
Sole Proprietorship	Marital Community Government Agency Spouse:			
Other (Please Explain:) Tribe				
Has the site use been authorized before or	13 it currently under reason = (==	nse Number:	·	
III. LOCATION				
The Body of Water on which the state property is located: South Fork Nooksack River	County in which the state property is loca Whatcom	ted: Government Lot:	Government Lot:	
	Section: 19	Township: 38		
	Range: 05	E⊠ or W□		
a use authorization. WA DNR survey re lease/easement as Exhibit A. DO NOT NOTIFIED IN WRITING THAT THE	the legal description and other information quirements are attached to this form. The HAVE THIS SURVEY CONDUCTED USAPPLICATION HAS BEEN ACCEPT	UNTIL YOU HAVE BEEN ED FOR PROCESSING.	o obtain ie	
The project area includes the right and le the Sygitowicz reach.	example, Marsh, Tideflat adjacent to the C ft banks of the South Fork Nooksack River	between river miles 3.9-4.2 knd	own as	
Name of Owner(s) of Uplands, Shorelan  1) Nooksack Indian Tribe and 2) A	ds, and/or Tidelands shoreward and adjace Alpine Meadows Christmas Tree Farm	nt to the Property:		
Address: 1) NIT; P.O. Box 157 2) Ken Stemler; 401 S. British Columbia Ave	City: 1) Deming State: 2) Lynden	7) WA Zip Code 2) WA 98244 2) 98264		
Phone Number: 1) 360 592-5176 2) (360) 595-1019	Fax Number 1) 360 592-5753 2) NA	E-mail: 1) <u>vinsera@noo</u> nsn.gov 2) NA	sack-	

Note: Except for property located within established tideland, shoreland, or upland property may be requithe deed.	i Harbor A ired. If the	reas, proof of c applicant is th	ownership, or at e owner of the	uthorization to u	se the adjacent tach a copy of
County Parcel No(s). for adjacent properties, upland 1) 3805191454450000, 3805191113170000 2	, and/or ad 2) 3805194	jacent tideland 433130000, 38	properties: 051937541000	00	
				<u> </u>	
IV. USE OF PROPERTY					
Describe, in detail, the proposed use of the Property:		<u> </u>			
migrating salmonids while improving riparian conditive vegetation. The project is designed to address the fact lower South Fork. Abundance and productivity of SF necessary to ensure persistence of the population. A necessary to ensure persistence of the population of the proposed approach was conhave the greatest magnitude, certainty, immediacy, an appropriate assurances to adjacent landowners.	Nooksack recent draft on has the	miting South I early chinook analysis by th highest near-te	Fork (SF) Nook are critically lo e Puget Sound rm extinction ri	sack early chind w and immedia Technical Reco sk of all 22 Pug	ook in the te action is very Team set Sound
Is or will the Property be subleased to another party? If yes, submit a copy of the sublease agreement.	Yes 🗌	No 🖾	· · · · · · · · · · · · · · · · · · ·	<del></del>	
What are the current and past uses of the site?					· · · · · · · · · · · · · · · · · · ·
The site has undergone a history of cultivation starting in 1933. There has also been consider on the west bank while the east bank remains side of the project is under contract with Natu Reserve Enhancement Program (CREP) and I intention of remaining in conservation for per Meadows Tree Farm and is managed for the p Nooksack Indian Tribe.	rable chan fairly und ural Resour Environme	nel migration a isturbed for ap ree Conservation antal Quality In the East side of	of the project rea proximately 20 on Service (NRo centives Progra	ach. In 1980 rip 0 meters. Curre CS) with both ( am (EQIP) proje	rap is evident only, the west Conservation ects with the
o you have any knowledge of contamination of the si ight have lead to contamination by such substances? so, please explain:	ite by toxic	or hazardous	substances, or o	of past uses or p	ractices that

### **IMPROVEMENTS**

If yes, please explain:

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete

Do you know if any fill material has been placed on the property in question? Yes \[ \subseteq \ No \[ \infty \]

5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

NPDES (National Pollutant Discharge Elimination System Permit - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Assessments - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

All answers and statements are true and correct to the best of my knowledge.

Applicant Name (please print): Victor Insera	Title: Watershed Restoration Coordinator				
Applicant or Authorized Signature:		Date: 6/14/10			

STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES
REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND
EASEMENTS

# Records of Survey are required for easements and leases granted by the department for:

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites

- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry
- Other grants as determined by the department based upon site specific considerations

### The applicant is responsible for:

All costs and work associated with creating, submitting, revising and recording the Record of Survey

foundations, buried pipelines and cables, and support structures for bridges.			 
What physical improvements currently exist on the site? (Photos may be required)	ed.) None		
If there are physical improvements currently on the site, who owns them? NA			
If there are physical improvements currently on the site, describe their condition	n: NA		
Which, if any, of the existing physical improvements will be removed, remodel	ed, or reconstru	cted? NA	
Describe any physical improvements that the applicant is proposing to construct Approximately 80 piles 40-45'long, 14" diameter butt, and rough peeled will be the ELJ structures. After piles have been installed, the structures will be built woody slash to act as racking material, and salvaged rip-rap that will be used or ballast. After the structures are built each will be revegetated with native coniferand cottonwoods at 2 foot spacing. Existing soil will be salvaged to provide im	e driven into the vith large logs v n some structurers ars at 6 foot spa	with attached room es that require ad cing and staked v	t wads, Iditional
Has any fill material been placed on the site? Yes No 🗵 If Yes, please describe:			
VI. LOCAL, STATE, AND FEDERAL REGULATORY PERM Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Auth some of the following.  Please include the following permit applications, permits, or waivers with	orization. You	r project may req	Regulatory uire all or
JARPA (Joint Aquatic Resource Permit Application) - This one form is us			ing individua
<ol> <li>Section 10 Permit (Required by the US Army Corps of Engineers for e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lied.</li> <li>Shoreline Substantial Development, Conditional Use, Variance Permic Government, and is required for work or activity in the 100 year flood High Water mark of certain waters; and which included any one of the filling, placement or alteration of structures or any activity which subthe waters.)</li> <li>Hydraulic Project Approval (Required by the Department of Fish and will use, divert, obstruct, or change the natural flow or bed of any free.</li> <li>Section 404 Permit (Required by the US Army Corps of Engineers it</li> </ol>	any work in or ines.) it or Exemption if plain, or with e following: d stantially interf d Wildlife if the sh or salt water	r affecting navigation (Issued by Localin 200 feet of the lumping, drilling, eres with normal erroject includes of the state.)	able waters, al Ordinary , dredging,   public use o

areas.)

- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 ½ X 11" copy and of the recorded survey including the auditor's recording information to the department.

### A Record of Survey must:

- 1. Be produced by a licensed surveyor.
- 2. Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.
- 3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
- 4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
- 5. Show the easement or lease area to an accuracy of (±) 0.5% of the total area or (±) 10 square feet, whichever is greater.
- 6. (Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
- Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
- Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
- 9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
- 10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
- 11. Show the location of any proposed utility.
- 12. (linear lease or easement) Show the lineal footage along the centerline.
- 13. (linear lease or easement) Show the complete alignment information and width including any necessary curve data.

## A Record of Survey must (cont.):

- 14. (Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
- 15. (Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary) Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
- 16. (A lease which encroaches on a previously leased site) Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

### Additional Requirements for Communication Site Leases

- 17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
- 18. Show access to the site.
- 19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically

- locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
- 20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in decimal degrees. Coordinates must have at least five decimal places to the right of the decimal point and include a negative longitude.
- 21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
- 22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
- 23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

# Additional Requirements for Aquatic Land Uses

- 24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
- 25. (lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106) Provide the square footage of each structure and improvement.
- 26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
  - a. Tidal areas—Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. Lease areas which contain tidelands and bedlands at a minimum must show the location of the line of extreme low tide crossing the lease area. Lease areas containing bedlands exclusively may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.

### Additional Requirements for Aquatic Land Uses (cont.):

- b. Lakes Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
- Rivers Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
- d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
- e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

### **Record of Survey Revisions:**

- 27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
- 28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

Survey Information updated July 2002. For additional information contact one of the following region offices:

### Southeast Region

713 Bowers Rd Ellensburg, WA 98926-9341 509-925-8510 TTY: 509-925-8527

Northeast Region

P.O. Box 190 225 S Silke Rd Colville, WA 99114-0190 360-684-7474

TTY: 509-684-7474

Olympic Region

411 Tillicum Ln Forks, WA 98331-9797 360-374-2800

TTY: 360-374-2819

Pacific Cascade Region

P.O. Box 280 601 Bond Rd Castle Rock, WA 98611-0280 360-577-2025

TTY: 360-577-2025

Northwest Region

919 N Township St Sedro-Woolley, WA 98284-9333 360-856-3500

TTY: 360-856-1371

South Puget Sound Region

950 Farman Ave N Enumclaw, WA 98022-9282

360-825-1631

TTY: 360-825-6381

# SOUTH FORK NOOKSACK RIVER RESTORATION PROJECT SYGITOWICZ CREEK **RIVER MILE 4.0**

ACME, WASHINGTON





